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U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 5

PUBLIC HEARING

IN RE: ALLEN PARK CLAY MINE LANDFILL

- - -

Transcript of proceedings had in the
above-entitled matter, taken before me, the
undersigned, Robert W. Gaines, a Notary Public in
and for the State of Ohio, at Melvindale High
School, 18656 Prospect Street, Melvindale,
Michigan, on Thursday, May 5, 1994, beginning at
7:00 p.m..

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GAINES REPORTING SERVICE, INC.

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1 MAYOR COOGAN: Where do you live,
2 Johnson?

3 MR. JOHNSON: Out in Prospect,
4 outside of Chicago.

5 THE SPEAKER: Okay.

6 MR. JOHNSON: Chicago.

7 MS. LIVEOAK: Put it in Chicago.

8 MS. LIVEOAK: Where's the dump
9 by your house?

10 THE SPEAKER: Put it in Lake
11 Michigan.

12 MS. LIVEOAK: Put it in Jerry
13 Anbers' apartment.

14 MR. PERRECONE: Perrecome,
15 Philadelphia.

16 THE SPEAKER: Chicago.

17 MAYOR COOGAN: Chicago, fine. I
18 think we should have a meeting in Chicago
19 in the area where you live to see if your
20 people in your neighborhood want this stuff
21 put there.

22 Now, listen, we've had enough of this
23 industrial fallout. We've had enough of
24 the rest of the stuff here. We are sick

1 and tired of becoming the garbage dump and
2 the toxic dump of the United States. I'm
3 fed up.

4 There's not other mayors here, but I'm
5 standing up for Dearborn, I'm standing up
6 for the City of Allen Park and the City of
7 Melvindale. Take this and shove it. We
8 don't want it.

9 Another thing, we are so concerned
10 that you people are supposed to be our
11 stewards, steward of our environment. I
12 don't see any I don't see any stewardship
13 here at all. What I see is a bunch of
14 people who are trying to shove PCB's down
15 our throat.

16 You already got two of them in this
17 area. We've got one out here in Rose
18 Township. You have one in Springfield
19 Township. Both of those have got to be
20 cleaned up. Now you're trying to clean up
21 another one.

22 What are you trying to do to us, kill
23 us?

24 MR. PERRECON: Do you want to say

1 some more? No, go ahead.

2 MAYOR COOGAN: Yes, I have a lot
3 of things to say here.

4 MR. PERRECONE: Well, you know, I
5 tell you what, we can do this meeting in a
6 variety of formats. It's your meeting.
7 This would be fine.

8 MAYOR COOGAN: All right, I don't
9 want to come in here and get a lot of
10 double talk from a bunch of people that
11 have been trained to confuse us poor lay
12 people, all right.

13 I know Ford Motor Company does have a
14 problem with getting rid of their toxic
15 waste. We swallowed that that they were
16 going to take their industrial waste and
17 put it in that landfill. That was Ford
18 Motor Company's property. Yeah, go ahead.

19 Are we going to bring in all the stuff
20 in the world here? Are we going to become
21 another one of those places out in, what's
22 the name of that town, Love Canal?

23 MR. PERRECONE: Love Canal, yes.

24 MAYOR COOGAN: Are we?

1 MS. LIVEOAK: Yeah.

2 THE SPEAKER: No way.

3 MAYOR COOGAN: We've got the
4 dirtiest air right now in all of Michigan
5 here. We get the prevailing winds comes
6 over our city. The east winds go over
7 Dearborn, goes over Allen Park.

8 We have repeatedly sent messages that
9 we don't want this anymore. We want to
10 live like everybody else, you know.

11 We have got this syndrome not in my
12 back yard. Well, we've got it in our back
13 yard and we don't want no more of it. Take
14 it and shove it.

15 MR. PERRECONE: We could go on and
16 have people give more comments and they're
17 more than welcome to do that.

18 THE SPEAKER: I would like our
19 attorney, Larry Coogan, who represents
20 Melvindale and Down-River, to speak on our
21 behalf right now.

22 MR. PERRECONE: Please do.

23 Larry, go to the microphone, name,
24 affiliation and all that good stuff,

1 please.

2 MR. COOGAN: I'm Larry Coogan.
3 I'm, you know, I'm going to give some
4 background here tonight and I guess it's
5 more appropriate that we give you
6 background.

7 MR. PERRECONE: Please.

8 MR. COOGAN: Five years ago,
9 we went before the MDNR and there were some
10 serious conversations about the necessity
11 of Ford Motor Company in storing some
12 fly ash and some other constituents in a
13 hazardous waste dump.

14 We were assured by the MDNR that the
15 purpose of this facility, the Allen Park
16 Clay Mine, was to be the Ford Motor
17 Company's use to store the air constituent
18 stuff that it's collected. They needed a
19 disposal facility, it was convenient and it
20 was close.

21 We didn't want it. We didn't want it
22 then and we don't want it now, but we're
23 stuck with it, and we were assured that
24 substances like PCB would not be disposed

1 of at this site and here we are some short
2 five years later we're here arguing about
3 PCB's.

4 Now, we all know how dangerous PCB's
5 are. That's a given, isn't it? Got your
6 head shaking yeah and then you agree PCB's
7 are dangerous, right?

8 Very toxic to humans, there's a number
9 of problems that are associated with it,
10 endometriosis, there's all sorts of
11 biological problems, it's stored in the fat
12 tissues, bioaccumulation occurs, and
13 those are real legitimate problems. So
14 even long-term exposure at low levels can
15 be very dangerous to residents, is that
16 correct?

17 THE SPEAKER: I'd say yes.

18 MR. COOGAN: Yeah, and
19 long-term exposures to PCB can be very
20 dangerous and can cause some severe cancer
21 of the skin as well as some damage to
22 internal organs and the lot.

23 Also I think there are some problems
24 with regards to the current application

1 you're talking about. It's built right in
2 as a facility or it provides for the
3 ability to amend this.

4 This permitted to amend it now twice.
5 This is the third go-around for Ford Motor
6 Company, is that also correct?

7 THE SPEAKER: Yeah.

8 MR. COOGAN: This permit, Jerry
9 Amber, I think --

10 MR. JOHNSON: There has not been
11 a permit issued.

12 MR. COOGAN: No, I understand
13 that. I understand that. The state permit
14 has been amended twice.

15 MR. JOHNSON: We have to comply
16 with the state's issue.

17 MR. COOGAN: All right, but at
18 any rate, you're building it in the permit
19 application the ability to amend.

20 Now, here we're dealing with Monroe
21 and I like Monroe. I have an office in
22 Monroe. It's a nice place, okay, but I
23 don't think that -- there's also a problem
24 at Fermi now, isn't there, and in that step

1 application it talks about how the roadway
 2 could have up to 50 parts per million of
 3 PCB contaminants in the soil or in the
 4 surrounding environment before they're
 5 necessarily going to have to perform a
 6 response to it.

7 Now, we all realize that at 5 parts
 8 per million, it's very toxic to human
 9 beings. I mean, we all realize that. Yet
 10 we're going to be forced to have a road
 11 which leads to and from this facility, the
 12 tipping area, that can have as much as 50
 13 parts per million PCB's. That's too high,
 14 way too high.

15 MR. JOHNSON: There's no
 16 spillage --

17 COOGAN: There's wind. The
 18 wind blows, doesn't it? We live --

19 MR. JOHNSON: It will evaporate.

20 THE SPEAKER: We live right near
 21 the levy, what are you talking about?

22 THE SPEAKER: Excuse me a
 23 second. Is that going to be considered
 24 like a transfer station also?

1 MR. JOHNSON: No, this is a
2 disposal site. There is every expectation
3 that facilities will operate on a
4 continuous basis once the disposal action
5 starts.

6 THE SPEAKER: What's the
7 difference between a transfer station and
8 taking the material to a permanant site?

9 MR. COOGAN: You know, this is
10 a war here. I mean I'd like to --

11 MR. PERRECONE: I'm sorry, you'll
12 have to approach the microphone.

13 THE SPEAKER: Well, I'm
14 trying to explain to him where you said
15 three days. I know that in fact it was for
16 ninety days before disposing of it, before
17 hauling it off for incineration or letting
18 it build up.

19 MR. COOGAN: All right.

20 MR. PERRECONE: If you want to
21 speak, sir, why don't you come up forward
22 and we'll give you a microphone.

23 THE SPEAKER: I'm done.

24 MR. PERRECONE: You're done?

1 Okay, well --

2 MAYOR COOGAN: We've got the
3 floor right now.

4 MR. PERRECONE: Yes, as a point
5 of order but let's let him continue.

6 MR. COOGAN: The biggest
7 problem I see and the biggest potential for
8 litigation that I can see is there's a
9 direct conflict here between laws of the
10 State of Michigan and laws of the EPA.
11 We're going to have one site which
12 essentially is going to be governed under
13 two separate conflicting regulations.

14 We're going to have state law, state
15 policy and we're going to have EPA policy
16 which in essence is a lot less stringent
17 than the state law. So we've got some
18 legitimate concerns.

19 We're concerned, I don't think you can
20 work one cell under two different regs
21 that are on their face conflicting with one
22 another. So I think that issue needs to be
23 addressed and has not been addressed and I
24 think the EPA would at this point be best

1 to allow the state officials to come in and
2 examine this facility and do the
3 appropriate investigation that it needs.

4 MR. COOGAN: Also due to the
5 inadequacies of the application itself and
6 some of the questions that I've raised this
7 evening I think at a minimum we need an
8 extension of the public comment period at a
9 minimum.

10 THE SPEAKER: Right.

11 MR. COOGAN: Currently the
12 State Health Department is conducting an
13 investigation of the citizens that live in
14 this area, okay, and there's a health
15 concern. We have the highest incidence of
16 brain tumors in the country in this area.
17 It's dangerously high.

18 Now, what does PCB cause? Cancer,
19 right? So it's going to compound an
20 already preexisting problem we have in our
21 residence space.

22 This newest health reports I believe
23 them to be released sometime this fall. So
24 what I'm referring to is any final

1 evaluation or recommendation or assessment
2 should at least wait until such
3 investigation is completed.

4 Also I'd like to point out that there
5 are, as you mentioned earlier with all due
6 credit, Ecologic conducted some test
7 burnings up in Bay City in 1993. I think
8 it was a real positive result.

9 I'm not condoning saying incineration
10 is the way to go, but I think as the bare
11 minimum those alternatives need to be
12 addressed before we talk about any disposal
13 in a landfill site so close to a large
14 number of residential individuals.

15 MR. VALENTIN: We're taking into
16 consideration Ecologic. As I told at the
17 beginning we have a document that is taking
18 into consideration alternatives. This is
19 not the only one.

20 MR. COOGAN: Well, I mean
21 obviously --

22 THE SPEAKER: We don't want this
23 one.

24 MR. COOGAN: -- obviously you

1 can see there's a lot of concerns that the
2 residents have.

3 The only, the biggest shortcoming in
4 this whole process is that we have been
5 really misinformed or uninformed and kept
6 in the dark and the application that we've
7 had to review has not contained all the
8 necessary information that we need to have
9 and it's not been that readily available to
10 the people who are really interested in
11 having the ability to comment.

12 So, like I said, at this point it
13 would be premature to even consider any
14 license application. Thank you.

15 MR. PERRECONE: Thank you very
16 much and we'll take into consideration the
17 extension for public comments and also
18 official comments, we could respond to
19 that.

20 MR. COOGAN: I'll supply you
21 with the documentation.

22 MR. PERRECONE: I'm sure you will
23 as an attorney.

24 Next, starting with name and

1 affiliation, please.

2 MR. BROWN: Thank you, I
3 appreciate having the opportunity to be
4 here tonight. My name is John Brown and I
5 live at 1286 Linden Street in Dearborn and
6 I represent the Neighborhood Association,
7 The Snowwood's Neighborhood Association, as
8 its president. Our association represents
9 over 2600 homes just west of the Allen Park
10 Clay Mine.

11 The Allen Park Clay Mine, also known
12 to us as the hazardous waste dump, has been
13 for years now and continues to be a major
14 concern for our residents. Put quite
15 simply we just don't believe a hazardous
16 waste dump ought to be allowed to operate
17 smack dab in the middle of residential
18 neighborhoods such as ours.

19 THE SPEAKER: That's right.

20 MR. BROWN: The executives of
21 the Ford Motor Company, I doubt they're
22 here tonight, ought to be ashamed for
23 authorizing this complex. They know, yes,
24 they have known for years now, the

1 sensitive nature of this matter and of our
2 concern for the health and welfare of our
3 residents.

4 Not once, not once did anyone from
5 their community relations staff, PR or what
6 have you, have they made any opportunity to
7 talk with us and apprise us of their plans,
8 not before, after or tonight. We learned
9 of this by the grapevine. We learned of
10 this when a resident from Melvindale called
11 us, The Snowwood's Neighborhood Association
12 who is adversely affected as well, and to
13 there's going to be this meeting tonight.

14 Gentlemen of the Panel, EPA, I'd like
15 to call you People Protection Agency but
16 I'm not too sure that's right, but we had
17 to learn of this through the grapevines I
18 said and you did not, you did not publish
19 this in either one of the Dearborn papers.
20 We have two of them and obviously you know
21 or have to know that Dearborn residents in
22 the Snowwood's Area is also concerned and
23 potentially could be adversely affected.

24 Am I right or wrong? Did you publish

1 it in either Dearborn paper? I get both of
2 them and I didn't see it.

3 MR. PERRECONE: I know that in the
4 Dearborn Press on May 5th was an article as
5 well as on May --

6 MR. BROWN: But they only
7 learned of that when I called the reporter
8 and said hey what's happening here, would
9 you look into this. You guys didn't
10 publish that. Were you trying not to let
11 us know what's going on?

12 MR. PERRECONE: I know on
13 Thursday, April 28th, they talked to an EPA
14 representative and an article or hearing of
15 the headline, hearing set to dispose of PCB
16 before a landfill. So I'm not sure now.

17 THE SPEAKER: What a notice.
18 That's awful short notice.

19 MS. LIVEOAK: That was a whole
20 week ago, wow.

21 THE SPEAKER: Oh, whoopee, a
22 whole week.

23 MS. LIVEOAK: Well, do you
24 think I'd spend an \$800 phone bill doing

1 your big public contact and call these
2 people, get the press, getting television,
3 getting people involved so the people can
4 know. Nobody's done any real participation
5 in trying to get this out to the people.

6 There should be a lot more people and
7 there would be, believe me, there was at
8 our other hearing, but you haven't given us
9 no opportunity.

10 MR. BROWN: Gentlemen, I hope
11 you are aware, I hope the EPA is aware of
12 the recently released Larry Coogan, Jr., is
13 it, Larry Coogan alluded to this, the
14 recently released and long overdue public
15 health assessment that was dated March 16,
16 1994, on the Allen Park Clay Mine.

17 I have attached a copy of the summary
18 of this report to this letter and I call
19 your attention to the last paragraph and
20 I'd like to read you the last paragraph and
21 Larry talked about that.

22 "The Agency for Toxics and Substances
23 and Disease Registry, health, activities,
24 recommendation panel has reviewed the Allen

1 Park Clay Mine site to determine if any
2 follow-up health activities are indicated.
3 Because of the elevation of brain cancer
4 incidence rates the panel determined that a
5 community health investigation and health
6 statistics review is indicated.

7 "The Michigan Department Of Public
8 Health through amendment to its cooperative
9 agreement with ATSDR will conduct data
10 collection analysis on the most currently
11 available listing of brain cancer cases
12 identified in the community surrounding the
13 Allen Park Clay Mine during the period of
14 1973 to present. The data collection
15 analysis will include selected census
16 tracks in the cities of Dearborn, those
17 comprised of Snowwood's Neighborhood which
18 I represent, Melvindale, Allen Park and
19 Dearborn Heights. We're glad they included
20 the other communities.

21 "The findings will be reported in an
22 addendum to this public health assessment.
23 ATSDR will also evaluate any new data or
24 information it receives about this site to

1 determine if additional public health
2 actions are appropriate."

3 Now, that's part of the summary, but
4 the last paragraph was what I call your
5 attention to.

6 "In summary we recommend that you
7 disapprove this request to dump PCB's in
8 the landfill. If you are unwilling or
9 unable to do so we then ask you wait until
10 the results of the health investigation are
11 known before you make your decision and if,
12 and if any Ford officials are here we ask
13 that you do the right thing, close down the
14 entire operation. Sincerely."

15 MR. PERRECONE: Be sure to state
16 your name and your affiliation, please.

17 MR. NOZIJESKI: John Nozijeski
18 with Onerva Citizens For A Safe
19 Environment.

20 I kind of found out about it at the
21 last minute and we were in the middle of
22 some testing. We have a small lab where we
23 have some spectrophotometers and can test
24 for certain basically heavy metals and some

1 organics.

2 Now, we've been testing some landfills
3 down river and I tell you every time we
4 test one, Firestone has a site down there,
5 we just got done testing some other
6 facilities, we keep on finding problems.
7 Now personally this isn't a full-time
8 occupation. I wish I could get paid for it
9 like some people, but I guess I'm just
10 concerned about the citizens.

11 We're finding a lot of problems, a lot
12 of problems with landfills. Now, I have
13 little background in science, not as much
14 as I'm sure many of you, but one of the
15 premises that I learned in college was that
16 while clay slows the movement of water it
17 can't stop it even if you put in double
18 liners. Regardless of what engineering
19 devices you put in there's problems.

20 I mean as much as we want to think we
21 can engineer our way out of a fix we can't.
22 NASA has tried, the Zilwaukee Bridge, I
23 mean we tried to land helicopters in Iran
24 in '79, we think we're prepared and we're

1 don't want any --

2 MR. HODES: I'll acquiesce to
3 their feeling. Thank you.

4 THE SPEAKER: We don't want
5 that.

6 MR. PERRECON: All right, thank
7 you very much.

8 Next commenter, please. Name, please?

9 MR. PIPER: My name is Dennis
10 Piper. I've been active in environmental
11 issues for a number of years. 213-973-750

12 I learned from Dr. Waylon Swain about
13 PCB's. Dr. Swain for those of you who
14 might have been around in the EPA was the
15 director of the Large Lakes Research
16 Laboratory on Grosse Ile and the
17 discoverer of atmospheric deposition and he
18 traced PCB's contamination all over the
19 planet.

20 All of us are now contaminated with
21 PCB's. It's changed our cell chemistry and
22 a whole lot of other things in the human
23 body populationwide, and one of the things
24 I learned from Dr. Swain was is that PCB's

1 in the natural environment when UVB light
2 hits PCB's when they're on the ground like
3 they'd be laying on the ground around that
4 landfill the environment selects for
5 increased toxicity.

6 That is the UVB light breaks down the
7 PCB's into a more toxic compound than when
8 it began. The chlorine atoms come off and
9 I don't know the exact chemistry.

10 So the other thing that I learned from
11 Dr. Swain was that the largest source of
12 PCB contamination to the atmosphere and
13 which then cycles through the entire
14 planet, through the food chain, through us,
15 through everything, comes from landfills,
16 that these, that the largest source of PCB
17 contamination is from landfills.

18 That is an inappropriate treatment
19 technology and I would hope that you would
20 clean up your language. You're not
21 disposing of anything. You are storing it
22 and it will cycle back through the
23 environment and it will end up back in
24 sediments if you put it in the landfills.

1 Now, the IJC recommendations on
2 chlorinated compounds are quite explicit.
3 We have to destroy these things, not
4 produce them, and in every way that we know
5 how get them out of the environment for
6 they are exposing us and the food chain.

7 One of the things that I'm concerned
8 about from your, in your decision making,
9 is that your job is not to allow Ford the
10 cheapest alternative. What your job is to
11 do is to protect our health mostly and if
12 it costs Ford more money to go to treatment
13 technologies that destroy those,
14 nonincineration forms, incineration and
15 combustion create most of our environmental
16 problems from acid rain and I mean I could
17 go on and on, but incineration and
18 combustion are big problems.

19 So treatment technologies like UVB
20 light and other technologies that I'm not
21 familiar with that are nonincineration is
22 the way to go and I would beseech you not
23 to look at Ford's bottom line but our
24 health. Thank you.

1 across, but let's go back to the microphone
2 and we'll take your comments. Let's all
3 line up and may I have your name, please?

4 MS. ANSLEY: Jeanine Ansley,
5 President of Melvindale Environmental
6 Concerns Association.

7 You've heard a lot about the health
8 study done by the Agency For Toxic
9 Substance & Disease Registry. I would like
10 to read a couple paragraphs to you for the
11 record.

12 First of all storm water runoff from
13 the Allen Park Clay Mine site enters the
14 Allen, entire storm water drains. These
15 drains originate on-site and exit to the
16 east. They run through the residential
17 areas of Melvindale before combining into
18 one drain called the Allen Drain which
19 discharges directly into the Rouge River.

20 The Rouge River lies one mile north of
21 the Allen Park Clay Mine site. So what
22 you're telling us is you're going to take
23 contaminated sediments from the Raisin
24 River, dump them in the Allen Park Clay

1 Mine, the Allen Park Clay Mine leaks into
2 the Allen Drain, the drain runs into the
3 Rouge, the Rouge runs into Detroit River,
4 the Detroit River drains into Lake Erie and
5 you're right back where you started. I
6 mean that's perpetual motion for, you know,
7 government employees to keep working and
8 dredging I guess.

9 So, anyway, I want to go on with this.
10 The Allen Park Clay Mine site again says
11 the perimeter drainage system empties into
12 two major drains from the site, the Allen
13 Drain northeast of the site, the Tire
14 Drain southwest of the site. The site also
15 has a treatment and settling pond that
16 collects storm water runoff from the site
17 and discharges into the perimeter drainage
18 system.

19 Now, it goes on further to say that
20 the leachate is in these two drains are
21 terribly contaminated from leachate from the
22 mine itself. Results of sample analysis
23 for lead alone shows levels of carcinogens
24 exceeding comparison values.

1 Concentrations of cadmium and lead in the
2 treatment pond exceed ATSDR's comparison
3 values. So what you're going to do is add
4 PCB's to the mix.

5 Again I want to emphasize that you're
6 going to take stuff from the Raisin River,
7 dump it into the Allen Park Clay Mine.
8 It's going to run off into the drainage
9 system. It might take five years, it might
10 take ten years, but it's going to be right
11 back where it started again and it sounds
12 like a really stupid idea to me.

13 MS. LYNDEEN: Laura Lyndeen.

14 Have you considered capping at the
15 current site as opposed as bringing it to a
16 landfill or removing it.

17 MR. VALENTIN: Can you repeat the
18 question again?

19 MS. LYNDEEN: Have you
20 considered capping at the current site as
21 opposed to removing it?

22 MR. VALENTIN: You're talking
23 about in place capping?

24 MS. LYNDEEN: Right, an in-place

1 capping.

2 MR. VALENTIN: No.

3 MS. LYNDEEN: And why not?

4 MR. VALENTIN: It hasn't been
5 brought to our attention.

6 MS. LYNDEEN: What do you mean
7 by it hasn't been brought to your
8 attention?

9 MR. VALENTIN: She's talking, you
10 are talking in the water, right?

11 MS. LYNDEEN: I'm talking in the
12 water, right, not in terms of the landfill.

13 Are you familiar with capping?

14 MR. VALENTIN: Yes, I'm familiar
15 with capping landfills, not on the water.

16 MS. LYNDEEN: So you haven't
17 considered that as an option?

18 MR. VALENTIN: No, I haven't
19 taken it into consideration, but I guess we
20 can take a look at it.

21 MS. LYNDEEN: So has anyone
22 brought that to your attention as a
23 possibility?

24 MR. VALENTIN: Well, it has been

1 application, he needs to do this kind of an
2 analysis to see if what they've given him
3 is technically adequate to meet the
4 regulations from TOSCA.

5 So if it appears he's done a lot of
6 homework it's true he has done quite a bit
7 of homework because he has to given the EPA
8 regulations and how we operate. So that's
9 his job. Thank you.

10 Name, please?

11 MS. LIVEOAK: Brenda Liveoak
12 from Oakland Environment Concerns and
13 Friends Of The Detroit River.

14 The first thing that I want to talk
15 about is this dual-permitting business. I
16 see real confusion here. Our state
17 regulations seem to be a lot tougher than
18 your regulations for this toxic cell. I
19 see a real problem in you regulating and my
20 state telling you you're not doing
21 something right or telling you that you're
22 not obeying our regulations. There seems
23 to be some confusion here.

24 We have some real rough regulations at

1 the state level and your regulations after
2 looking over the inadequacy of the permit
3 and all these things because, you know,
4 we've found some errors in the regulations,
5 the numbers and stuff like that. I've
6 never seen some of the major things that we
7 see in this and just the size of the permit
8 and how much documentation you give us.

9 Our state, when we review a permit
10 sometimes we get over a lot of the paper
11 work but we sit and review a permit they
12 put on display for us all this
13 documentation plus the supporting
14 documentation plus copies of the regs. I
15 mean they're here, they know what they give
16 us. They give us these big packages to
17 look at and I find what you're doing
18 horribly inadequate and I find in the
19 future I think there's going to be a big
20 conflict here.

21 I can just see this with the state and
22 you guys the state regulating the hazardous
23 waste cell with things like phenols and
24 naphthalene that are going to be going in

1 that cell, okay, and some of these other
2 fly ashes and then you've got these PCB's
3 coming in and not just PCB's because the
4 permit isn't just about that but it's about
5 other waste as the application says that
6 they're going to bring in.

7 This is going to become a commercial
8 landfill. So we went from a private Ford
9 landfill regulated by the state, right, a
10 private hazardous waste site, going to be
11 an EPA regulated commercial landfill cell
12 into the same cell.

13 This is confusing the heck out of me,
14 folks, and it's got to be confusing to
15 everybody else and I'd really like the DNR,
16 you know, when you guys come into our back
17 yard you really ought to have a couple of
18 our people sitting on your board with you
19 as a courtesy, you know. We pay state tax
20 dollars for them to represent us and we
21 want them to be part of this.

22 You came in here under a SEMI
23 Initiative and a lot of other things and I
24 don't see you working together. You're

1 just coming in here and if you came here
2 not to work together but just to work over,
3 through and get what the regulations want,
4 I've been reading all this stuff in these
5 chemical newsletters on how you've been
6 being lobbied by these big industries to
7 get these cleanups done and over with so
8 you can get a few cleanups under your belt
9 and then leave a mess behind for us to have
10 to contend with is what it's amounted to
11 and this is not making me very happy.

12 Then to beat all, you know, all the
13 questions from the very first landfill,
14 from the hazardous waste landfill, the
15 reason why we haven't gotten our full
16 answer yet and got our full permit and all
17 and all of that is because there's still a
18 lot of unanswered questions from health
19 effects to a lot of the questions that were
20 asked.

21 I had presented a study that was done
22 on the integrity of these plastic liners
23 because the naphthalene and phenols being
24 in there and we gave them a copy of the

1 study about how these things tend to cause
2 damage to plastic liners. That's going to
3 be stored in the same cell with these
4 PCB's. None of that was ever addressed.

5 We had another fellow that came and
6 testified, and I can't find it in the
7 minutes but I'm sure a lot of people were
8 appalled, he said he remembered Ford's
9 leaving there because the quality clay had
10 been removed from the area. So when you
11 keep talking about this great clay he said
12 the clay that was left was sandy and had a
13 lot of silty spots in it where all this
14 stuff could get through and that your
15 theory wasn't quite right up here.

16 Okay, all of that has been
17 disregarded. All of that talk has been
18 disregarded and you keep talking about this
19 great super landfill where it's great to
20 bring all this stuff and I've got to tell
21 you this ain't such a great company first
22 of all that's going to manage it, name of
23 Waste Management, who already's got messed
24 up landfills all over the country and the

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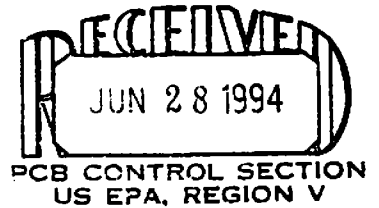


JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

John Hannah Building, P.O. Box 30241, Lansing, MI 48909

ROLAND HARMES, Director



June 22, 1994

Ms. Jean Greensle
U.S. EPA Region V
Environmental Sciences Division
SP-14J
77 West Jackson Boulevard
Chicago, Illinois 60604

Dear Ms. Greensle:

SUBJECT: Draft TSCA Permit for the Ford Motor Company
Allen Park Clay Mine Landfill

Waste Management Division (WMD) staff have reviewed the draft TSCA permit for the disposal of PCB waste in the Ford Allen Park Clay Mine landfill. Based on that review, WMD has compiled the attached list of comments for your consideration.

If you have any questions, please contact Mr. Peter Quackenbush at Waste Management Division, Department of Natural Resources, P.O. Box 30241, Lansing, Michigan 48909, or at telephone number 517-373-7397.

Sincerely,

Kenneth J. Burda, Chief
Hazardous Waste Permits Section
Waste Management Division
517-373-0530

cc: U.S. Senator Carl Levin
U.S. Representative John Dingell
Mayor Gerald Richards, City of Allen Park
Mayor Micheal Guido, City of Dearborn
Mayor Thomas Coogan, City of Melvindale
Mr. Jerry Amber, Ford Motor Company
Mr. Richard Traub, EPA
Ms. Lorraine Kosik, EPA
Ms. Mindy Koch, DNR
Mr. Jim Sygo, DNR
Mr. Al Howard, DNR
Mr. Steve Buda, DNR/Operating License File
Mr. Peter Quackenbush, DNR
Mr. Roger Jones, DNR
Dr. Ben Okwumabua, DNR-Livonia



**WMD COMMENTS ON THE FORD ALLEN PARK CLAY MINE
DRAFT TSCA PERMIT**

In general, we find the language in the draft permit to be vague, imprecise, and often grammatically incorrect. This leads to concern regarding interpretations of the permit conditions and its enforceability. Below are more specific concerns regarding this draft permit.

1. We recommend that the section "BACKGROUND" be removed from the body of the permit. This information regarding the TSCA program and the proposed facility does not include specific operating requirements for the facility. It appears that this information is more appropriate for the fact sheet describing the draft permit and the process for the agency's review and final determination.
2. We recommend that the section "FINDINGS" be removed from the body of the permit. This information regarding the facility and their application is the basis for preparing the draft permit and not specific operating requirements for the facility. It appears that this information is more appropriate for the fact sheet describing the draft permit and the process for the agency's review and final determination.
3. In addition, the following items under "FINDINGS" need clarification:
 - a. Paragraph 2 should read "Ford Motor Company demonstrated the capability of the Allen Park Clay Mine as a PCB disposal facility to the U.S. EPA by means of an application for a PCB disposal permit."
 - b. Paragraph 3.c. is unclear. This should be clarified to specify when the three days starts, where this truck staging would occur, and what the provision for disposal of waste exceeding 30 day storage period is all about.
 - c. Paragraph 3.d. must be revised to specify that the facility will not accept PCB waste that is not compatible with existing waste streams managed at the facility. Placing incompatible material or waste in the hazardous waste cell is a violation of the company's hazardous waste operating license.
 - d. Paragraph 3.e. should be revised to clarify that the facility monitors the artesian condition of the groundwater.

- e. Regarding paragraph 3.f. it should be noted that Michigan law only requires manifesting of hazardous and liquid industrial wastes. The PCB waste accepted at the facility should not meet either of those designations so manifesting would not be required unless EPA has a special manifesting requirement under the TSCA program.
 - f. Paragraph 3.h. should be revised to read "providing financial assurance for closure etc....." This paragraph should also clarify what the "support facilities" are.
 - g. Sentence one of paragraph 4. should be revised to clarify that, ".... landfilling of PCBs and other wastes in Cell II in accordance with the operating requirements specified in the facility's hazardous waste operating license." In addition the last sentence should be revised to clarify that, "The soil mechanical properties of the PCB waste must have sufficient strength to support the overlying waste and landfill cover system."
4. We recommend that the section "CONDITIONS FOR APPROVAL" be changed to "PERMIT CONDITIONS" and the following items in this section be revised for clarification:
- a. Condition 3.a. "SCOPE OF WORK" should be revised to clarify that no PCB waste containing free liquids will be allowed for disposal. The hazardous waste operating license specifically prohibits waste containing free liquid from being placed in the landfill. Free liquid is defined as liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.
 - b. Condition 3.b. "SCOPE OF WORK" should be revised to clarify that no PCB waste that is incompatible with other waste within Cell II will be allowed for disposal. The hazardous waste operating license specifically prohibits incompatible waste from being placed in the landfill.
 - c. Condition 4. "THE PROCESS" should be revised to specify that "The permittee must dispose of PCB waste in accordance with the following sequence:
 - d. Condition 4.a. "THE PROCESS" should be revised to capitalize the first word and to specify what is

requires by the inspection of waste prior to acceptance at the facility. In addition, it should be noted that manifests may not be required to transport the waste material if it is not hazardous or in liquid form.

- e. Condition 4.b. "THE PROCESS," the first sentence should be deleted unless it is EPA's intent that the facility follow the hazardous waste acceptance procedures for PCB wastes. If this is the intent, the sentence should be revised to specify that the permittee follow the waste acceptance procedures in the hazardous waste operating license. In addition, the intent of the second sentence is unclear. This sentence should be revised to clarify what is being required of the permittee.
- f. Condition 4.c. "THE PROCESS," should be revised to capitalize the first word and state, "...identification number for waste placement and be logged into ..." In addition, it is not clear why segregation of the waste is being required if none of the materials disposed in Cell II are allowed to be incompatible.
- g. Condition 4.d. "THE PROCESS," should be revised to capitalize the first word. In addition, the second sentence should be revised to specify that "The permittee must follow the attached traffic plan when entering Cell II for waste disposal." The plan should include a drawing showing traffic flow and any staging area.
- h. Condition 4.e. "THE PROCESS," should be revised to capitalize the first word and state that, "All vehicles that enter Cell II must be cleaned in the vehicle wheel wash before exiting the facility."
- i. Condition 5. under "DISPOSAL" allows disposal of non-liquid PCB waste of any concentration which conflicts with condition 3.a. that limits the concentration of non-liquid PCB waste to below 500 ppm.
- j. Condition 6. under "DISPOSAL" should be revised to delete the reference to incompatible waste since the facility is not allowed to accept incompatible waste and specify that, "The soil mechanical properties of the PCB waste placed in Cell II must have sufficient strength to support the overlying waste and landfill cover system."

- k. Conditions 7., 8. and 9. under "DISPOSAL" should be revised to clarify what is being required of the permittee regarding disposal of these wastes and restate the waste containing free liquids must not be disposed in Cell II.
- l. The waste described in condition 10. under "DISPOSAL" would most likely not be allowed for disposal under the hazardous waste operating license due to the fact that the specified solids content (greater than 2%) indicates that free liquid may be present. The waste described in condition 11 would definitely not be allowed for disposal due to presence of free liquid if the solids content is only 0.5%.
- m. Condition 12. under "DISPOSAL" should be revised to specify that in order to comply with the no free liquid requirement, prior to acceptance at the facility the PCB wastes may be treated by dewatering or use of non-exothermic additives such as bentonite or a sand-charcoal mix. The last sentence should be revised to clarify what the specific air monitoring requirements are for exothermic treatment.
- n. Condition 14. under "DISPOSAL" should be deleted since liquid waste is not allowed for disposal.
- o. Condition 15. under "DISPOSAL" should be deleted since it was already specified in condition 6. that the waste must have sufficient strength to support the overlying waste and landfill cover system and condition 12 as revised above refers to examples of non-exothermic additives. In addition, the facility is not authorized to perform any treatment such as applying additives to the waste as it is placed.
- p. Condition 16. under "DISPOSAL" should be revised to clarify what truck parks are and specify that all waste accepted by the facility must be disposed within 24 hours.
- q. Condition 17. under "LEACHATE COLLECTION AND DISPOSAL" should be revised to reflect the fact that the current design of the landfill does not include subcells and that leachate is continuously discharged to the local sanitary sewer system. It should be noted that any revision to the design of the landfill will require review and approval by the Waste Management Division of MDNR and may require modification of the hazardous waste operating license.

- r. Condition 18. under "LEACHATE COLLECTION AND DISPOSAL" should be revised to state, "The leachate collection and leak detection systems must be ..."
- s. Condition 19. under "LEACHATE COLLECTION AND DISPOSAL" should be revised to clarify what is being required of the facility regarding their discharge to the sanitary sewer. If the intent is not to have the facility discharge to the sanitary sewer during a combined sewer overflow, it is unclear how this would be determined and enforced.
- t. Condition 20. under "GROUNDWATER" should be deleted since maintenance of the artesian groundwater condition is beyond the control of the permittee. The permittee is required to monitor the artesian condition of the groundwater.
- u. Condition 21. under "GROUNDWATER" should be revised to state that "Groundwater monitoring must be conducted by means of potentiometric measurements, groundwater contour maps and recording of the volume of water pumped from the Cell II artesian water collection system."
- v. Condition 22. under "CLOSURE" should be revised to state that, "The facility must be closed in accordance with the approved closure plan in the hazardous waste operating license."
- w. Condition 23. under "ANALYSIS" should be revised to delete the "a" before relevant.
- x. Condition 24. under "ANALYSIS" should be revised specify that the required methodologies and QA/QC are attached to this permit.
- y. Condition 25. under "ANALYSIS" should be revised to state that, "SW 846 method 624 or 8240 shall be used for the analysis of chlorinated organics."
- z. Condition 27. under "NOTICE AND REPORTING" should be revised to state that, "... must be notified within ___ days if the potentiometric monitoring determines that the artesian groundwater elevation at any monitoring point is less than 567 feet above mean sea level. Potentiometric elevations at monitoring wells 2-D, 5-D, 10-D, 102-D, 103-D, 104-D, and 105-D must ..."

- ✓ A. Condition 29.a. under "NOTICE AND REPORTING" should be revised as follows to correct typographical errors:
"... TSCA physiochemical sampling ... measurements, quarterly ..."
- ✓ B. Condition 29.c. under "NOTICE AND REPORTING" should be revised as follows, "... and liquid volume from the leak detection system;"
- ✓ C. Condition 29.d. under "NOTICE AND REPORTING" should be revised as follows, "monthly analysis of leachate samples..." and to specify that the method numbers referenced are from SW 846.
- ✓ D. Condition 29.e. under "NOTICE AND REPORTING" should be revised as follows, "quarterly analysis of lysimeters, soils along the roadway, sediment, and surface water samples including;". In addition, this condition should be revised to specify that pH and specific conductance only apply to liquid samples and to specify that the method numbers referenced are from SW 846.
- E. Conditions 29.f. and g. under "NOTICE AND REPORTING" should be revised to reflect the fact that the facility currently discharges leachate to the City of Detroit sewer system without treatment and is required to meet the sewer use discharge limitations.
- ✓ F. Condition 30. under "SAFETY AND HEALTH REQUIREMENTS" should be revised to specify the frequency and location of the ambient air monitoring for PCBs.
- ✓ G. Condition 31. under "SAFETY AND HEALTH REQUIREMENTS" should be revised to specify the timeframe for submittal of the PCB ambient air monitoring program for review and approval by Wayne County Air Pollution Control Division (WCAPCD) and EPA. This program must be approved and implemented prior to acceptance of PCB waste at the facility. We recommend that this condition also specify that the permittee submit the monitoring data to WCAPCD and EPA within 60 days of sample collection of 7 days of receipt of the analytical results, whichever is sooner.
- H. Condition 32. under "SAFETY AND HEALTH REQUIREMENTS" should be revised to specify that the permittee must submit a program for review and approval by EPA to monitor soils along the entrance road, and in the sedimentation basin for PCBs. This condition should

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also specify what the prescribed corrective action is if the concentration of PCBs exceeds 1 ppm. Under the Michigan Environmental Response Act (MERA), 1982 P.A. 307, the risk based direct contact concentration for PCBs in soil is 1 ppm.

- I. Condition 33. under "SAFETY AND HEALTH REQUIREMENTS" should be revised as follows; "Ford Motor Company, Inc. must comply with all applicable Federal, State, and local health, safety and environmental regulations."
- J. Condition 34. under "SAFETY AND HEALTH REQUIREMENTS" should be revised as follows; "Ford Motor Company, Inc., must comply with the Environmental Emergency Contingency Plan, Attachment ____ of this permit. The permittee must submit to EPA for review and approval, a program for health monitoring and training that complies with 29 CFR 1910.120(p). This program must at a minimum address personal hygiene, worksite air monitoring, employee and plant wipe testing, and worker training.
- K. Condition 36. under "FACILITY SECURITY" should be revised as follows, "The facility must be secured to control public access by means of fences, gates, alarms. The facility security equipment must be inspected weekly and maintained in proper working order."
- L. Condition 38. under "COMPLIANCE WITH REGULATIONS" should be revised as follows, "This permit does not relieve..."
- M. Condition 39. under "RECORDKEEPING" should be revised as follows, "Ford Motor Company, must maintain the following records for all PCB waste received at the facility:
 - a. The quantity of waste expressed in cubic yards;
 - b. The name, address and phone number of the person or company that generated the regulated material;
 - c. The date the PCB waste was taken out of service for disposal, the date it was received and the date it was disposed;
 - d. The name of Ford Motor Company supervisor for the Allen Park Clay Mine on the date of receipt.

These documents must be maintained for at least 20 years after the facility ceases disposal of PCBs. These records must be kept at one centralized location, and must be made available for inspection by authorized representatives of U. S. EPA."

- N. Condition 40. under "MODIFICATION" should be revised as follows, "For the purpose of this permit, "major modification is defined as..."
- O. Condition 41. under "INSPECTION" should be revised as follows, "The U. S. EPA reserves the right for its authorized representatives at reasonable times to observe..." The last sentence should be deleted.
- P. Condition 42. under "AGENCY APPROVAL/PERMITS" should be deleted since this financial assurance information will have been provided prior to issuance of this permit.
- Q. Condition 43. under "AGENCY APPROVAL/PERMITS" should be deleted since the permit already requires compliance with applicable federal, state and local regulations and verification that the appropriate approvals or permits have been obtained should be provided to EPA before issuance of this permit.
- R. Condition 44. under "AGENCY APPROVAL/PERMITS" should be revised as follows: first sentence, "...before transferring ownership of the facility."; third sentence, "...name for the owner/permittee or require..."; fifth sentence, "...of sale or transfer or to provide this information in the timeframe required, this permit will be revoked."; sixth sentence, "...of the transfer of ownership."
- S. Condition 45. under "SEVERABILITY" should be revised to specify that this is a permit and that "this permit is not affected thereby."
- T. Condition 46. under "EXPIRATION/RENEWAL" should be revised as follows, "This permit to operate will expire...", the references to approval should be changed to permit, and specify that the renewal request be submitted at least 180 days prior to the expiration date of this permit.
- U. Condition 47. under "PERMIT REVOCATION/SUSPENSION/CANCELLATION" should be revised as follows: CANCELLATION should be deleted from the title since it

is not presented as an option in the text, and the first sentence should refer to "this permit".

5. We recommend that the section "WAIVERS" be removed from the body of the permit. This information providing the basis for waiving certain requirements in the permit is more appropriate for the fact sheet describing the draft permit and the process for the agency's review and final determination.
6. In addition, the following items under "WAIVERS" need clarification:
 - a. Paragraph 1. should read, "The TSCA regulations allow for a waiver of the requirement in 40 CFR 761.75(b)(3) that, 'The bottom of...' This requirement is being waived for the following reasons:"
 - b. Paragraph 1.a. should refer to an "impermeable clay layer".
 - c. Paragraph 1.c. should be revised to read, "...separated by a five foot recompacted clay liner, ..."
 - d. Paragraph 1.d. should be revised to read, "The facility design includes a leachate collection and leak detection system."
 - e. Paragraph 1.e. should be revised to read, "There is a relatively impermeable clay layer below the landfill liner system that varies between 40 to 60 feet in thickness. This clay layer prevents the underlying artesian aquifer (under upward pressure) from migrating to the ground surface."
 - f. Paragraph 1.i. should be revised to read, "The liquid entering the artesian water collection system is being collected and removed from under the landfill liner. This artesian water collection system will also serve as a second leak detection and removal system."
 - g. Paragraph 1.j. should be deleted based on the addition of the second sentence in f. above.
 - h. Paragraph 1.g. should be revised to read, "The artesian aquifer below the site contains natural contaminants that prevent it from being used as a source of public drinking water."

- i. Paragraph 2. should be revised to read, "The chemical groundwater monitoring requirement contained in 40 CFR 761.75(b)(ii)(A) is being waived for this facility based on the existence of a thick, relatively impermeable, clay layer and the artesian aquifer below the landfill which causes an upward migration of water into the clay. In place of chemical groundwater monitoring, the facility chemically monitors the leachate collection and leak detection system and monitors the artesian condition (upward pressure) of the aquifer below the site."
 - j. Paragraph 3. should be deleted since it is covered by the fact that chemical groundwater monitoring is being waived.
7. We recommend that the information contained under "APPROVAL" should be included as part of the "PERMIT CONDITIONS." In addition the following items should be revised for clarification:
- a. The opening paragraph should be deleted since the permit will not be issued unless the application demonstrates compliance with the TSCA requirements.
 - b. Paragraph 1. should be revised to specify that Ford Motor Company is authorized to dispose of TSCA regulated material, and to make the information referenced in the application an enforceable part of this permit.
 - c. Paragraph 3. should be revised to refer to "this permit" and specify that "... 'application' is defined..."
 - d. Paragraph 4. should be revised to delete the first sentence since this has already been stated. The second sentence should state, "...regulations are subject to enforcement..." In addition, the word "approval" should be replaced by "permit."
 - e. Paragraph 5. should be correctly identified and revised to state, "Ford Motor Company is responsible..." and, "but not limited to, any advance, emergency, or accident reporting requirements."
 - f. Paragraph 6. should be correctly identified.